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**Attorneys for Defendant,
BRANT BLAKEMAN**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

CORY SPENCER, an individual;
DIANA MILENA REED, an individual;
and COASTAL PROTECTION
RANGERS, INC., a California non-
profit public benefit corporation,

Plaintiffs,

vs.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON, MICHAEL
RAE PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES
1-10,

Defendants.

**CASE NO.: 2:16-CV-2129-SJO-RAO
Hon. S. James Otero, Ctrm. 10C**
**DEFENDANT BRANT BLAKEMAN
SEPARATE STATEMENT IN
OPPOSITION TO PLAINTIFFS'
SEPARATE STATEMENT OF
UNDISPUTED FACTS IN SUPPORT
OF MOTION FOR CLASS
CERTIFICATION**
DATE: February 21, 2017
TIME: 10:00 a.m.
CTRM: 10C
1st Street Courthouse
**Action Commenced: 3/29/2016
Discovery Cutoff: 8/17/17
Pretrial Conf.: 10/23/17
Trial Date: 11/7/2017**

DEFENDANT BLAKEMAN’S SEPARATE STATEMENT IN OPPOSITION TO PLAINTIFFS’ SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF THEIR MOTION FOR CLASS CERTIFICATION

<u>Moving Party’s Undisputed Facts And Supporting Evidence</u>	<u>Opposing Party’s Response And Supporting Evidence</u>
<p>1. Lunada Bay is owned by the City of Palos Verdes Estates and is a public beach.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decl. Otten, Exs. 16 at 106:22-107:5 and at 21:18-24. 	<p>1. No Objection.</p> <p>(However, the referenced “21:18-24” is not provided.)</p>
<p>2. The City of Palos Verdes Estates was designed as a master planned community in 1923, with covenants intended to maintain property values and to keep it exclusive and this remains true today.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decls. P. Neushal, ¶ 7; Akhavan, ¶ 15; Otten, Ex. 22; Slatten, ¶ 9. 	<p>2. Objection:</p> <ul style="list-style-type: none"> • P. Neushul ¶7 – Assumes fact, lacks foundation, hearsay, improper expert opinion, lacks personal knowledge. • Akhavan ¶15 – Hearsay, lacks personal knowledge, argumentative. • Otten Ex. 22 – Relevance, Misrepresents evidence, lacks foundation, hearsay, lacks personal knowledge. • Slatten ¶9 – Lacks personal knowledge, improper lay opinion, relevance, unduly prejudicial, argumentative, lacks foundation, hearsay.

<u>Moving Party’s Undisputed Facts And Supporting Evidence</u>	<u>Opposing Party’s Response And Supporting Evidence</u>
<p>3. The City of Palos Verdes Estates is home to about 14,000 people.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> 2010 U.S. Census data, available at: http://www.census.gov/2010census/popmap/ipmtext.php?fl=06:0655380 	<p>3. No Objection.</p>
<p>4. The City of Palos Verdes Estates has its own police department.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> Decl. Otten, Ex. 1 at 121:5-6. 	<p>4. No Objection.</p>
<p>5. Lunada Bay is a unique, world-class surfing site, and offers many recreational opportunities.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> Decls. P. Neushul, ¶¶ 13, 17; King, ¶¶ 15-17. 	<p>5. Objection:</p> <ul style="list-style-type: none"> P. Neushul ¶17 – lacks foundation, improper expert opinion, lacks personal knowledge. King ¶¶15-17 – No objections as to this undisputed fact, but the evidence cited is objectionable on other grounds including: Hearsay, lacks foundation, improper expert opinion.
<p>6. For more than 40 years, Lunada Bay has had a reputation for being localized, meaning visitors faced harassment by the Lunada Bay Boys if they attempted to surf or recreate in Lunada Bay.</p>	<p>6. Objection:</p> <ul style="list-style-type: none"> Sisson ¶4 - Hearsay, lacks foundation, lacks personal knowledge. Will ¶4 – Hearsay, Lacks Foundation.

<u>Moving Party’s Undisputed Facts And Supporting Evidence</u>	<u>Opposing Party’s Response And Supporting Evidence</u>
<p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decls. P. Neushul, ¶¶ 14, 17; Sisson, ¶ 4; Will, ¶ 4; Claypool, ¶ 3; Carpenter, ¶ 5. 	<ul style="list-style-type: none"> • Claypool ¶3 – Lacks foundation, hearsay, lacks personal knowledge. • Carpenter ¶5 – Hearsay, lacks personal knowledge, argumentative.
<p>7. Fewer than 100 surfers regularly recreate at Lunada Bay.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decl. King, ¶ 10. 	<p>7. Objection.</p> <ul style="list-style-type: none"> • King ¶10 – improper expert opinion, states opinion in form of fact, lacks foundation, lacks personal knowledge, hearsay, vague as to “regularly”
<p>8. Individual Defendants are members of the Lunada Bay Boys and recreate at Lunada Bay.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decls. Reed, Exs. 5, 6; Otten, Exs. 3-9; Spencer, ¶¶ 12-14; Taloa, ¶¶ 18, 20; S Neushul, ¶¶ 9, 11; Pastor, ¶ 5; Jongeward, ¶ 8; Wright, ¶¶ 9, 11, 12, 18; Young, ¶¶ 7-8; K. Claypool, ¶¶ 5, 9 13, 23-24; MacHarg, ¶¶ 6-7; Will, ¶ 8; Carpenter, ¶ 8; Slatten, ¶ 9; Hagins, ¶ 15 & Ex. 6. 	<p>8. Objection:</p> <ul style="list-style-type: none"> • Assumes facts, <i>i.e.</i> that the “Lunada Bay Boys” exist. • Statement is vague and overbroad as to which individual defendants. Notwithstanding this objection, the statement misstates the testimony of each declarant below who named one or more of the individual defendants but either did not identify them as a “Lunada Bay Boy” or could not establish foundation as to their ability to characterize the individual defendant as a member. • Reed Ex.5 – lacks personal

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<p>experience, hearsay, lacks foundation, lacks authentication, illegal recording – violates declarant’s reasonable expectation of privacy (see Ex. 6, p. 4 middle and p. 6 bottom).</p> <ul style="list-style-type: none"> • Otten Ex. 3-7 - improper foundation/authentication, misrepresents evidence, lacks foundation as to “Bay Boys.” • Otten Ex. 8 – misstates testimony, lacks foundation as to “Bay Boys.” • Otten Ex. 9 – improper foundation/authentication, misrepresents evidence, relevance, unduly prejudicial, lacks foundation as to “Bay Boys.” • Spencer ¶12 – lacks personal knowledge, lacks foundation, speculative, hearsay. • Spencer ¶13 – misstates/ misrepresents testimony, lacks personal knowledge, lacks foundation, speculation, improper lay opinion.

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<ul style="list-style-type: none"> • Spencer ¶14 – misstates testimony, lacks personal knowledge, lacks foundation, speculation, improper lay opinion, hearsay. • Taloa ¶18 – lacks personal knowledge, lacks foundation, speculation, hearsay, relevance, argumentative, unduly prejudicial. • Taloa ¶20 – misstates testimony, lacks personal knowledge, lacks foundation, hearsay. • S. Neushul ¶¶ 9, 11 – lacks foundation, lacks personal knowledge, vague, speculation, hearsay. • Pastor ¶5 – lacks personal knowledge, lacks foundation. • Jongeward ¶8 – lacks personal knowledge, lacks foundation, speculation. • Young ¶¶ 7-8 – lacks personal knowledge, lacks foundation, misstates testimony. • K. Claypool ¶¶ 5, 9, 13 – misstates/misrepresents testimony,

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<p>lacks personal knowledge, lacks foundation.</p> <ul style="list-style-type: none"> • K. Claypool ¶¶23-24 – lacks personal knowledge, lacks foundation, speculation. • MacHarg ¶6 – lacks personal knowledge, lacks foundation, hearsay, speculation. • MacHarg ¶7 – misstates/ misrepresents testimony, lacks foundation. • Will ¶8 – Lacks personal knowledge, lacks foundation, hearsay. • Carpenter ¶8 – lacks personal knowledge, lacks foundation. • Hagins ¶15, Ex. 6 – Lacks personal knowledge, lacks foundation, hearsay, improper lay opinion.
<p>9. The Lunada Bay Boys, including the Individual Defendants, conspire to exclude visitors through harassment, intimidation, violence, vandalism, and threats.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decls. Otten, Exs. 3-7, 9, 17, 18, 19, 	<p>9. Objection:</p> <ul style="list-style-type: none"> • Assumes facts, <i>i.e.</i> that the “Lunada Bay Boys” exist. • Misstates testimony: no declarant offers evidence of a conspiracy or an agreement to behave in a particular way towards outsiders. That there

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
<p>1 at 70-74, 77-79, 194:13-195:13; Hagin Ex. 6; Reed, ¶¶ 8-9, 19-21 & Exs. 5, 6; Spencer, ¶¶ 10-11, 21-22; K. Claypool, ¶¶ 6, 18, 25, 28; Taloa, ¶¶ 19-20; Reed ¶ 8; Bacon, ¶¶ 4-5, 7; Gero, ¶¶ 6, 9-11; Innis, ¶ 4; Jongeward, ¶¶ 4, 6; Carpenter, ¶ 9; Young, ¶¶ 6, 11; Pastor ¶¶ 4, 8; Wright, ¶¶ 8, 18; Will, ¶ 7; Akhavan, ¶¶ 9, 12; C. Claypool, ¶ 12; Conn, ¶ 7; S. Neushul, ¶ 8; Gersch, ¶ 5 Krell ¶¶ 2-4.</p>	<p>may be patterns of behavior does not implicate and agreement, tacit or otherwise. Notwithstanding this objection, the fact is argumentative as phrased and lacks foundation from any supporting evidence.</p> <ul style="list-style-type: none"> • Otten Exs. 3-7 – improper foundation/authentication, lacks foundation, hearsay, misstates/misrepresents evidence. • Otten Ex. 9 – Improper foundation/authentication, lacks foundation, hearsay, misstates/misrepresents evidence. • Otten Exs. 17-19 – Lacks foundation as to “Lunada Bay Boys,” Hearsay, misstates testimony/misrepresents evidence. • Otten Ex. 1 at 70-74 – misstates testimony, lacks foundation as to “Lunada Bay Boys,” hearsay. • Otten Ex. 1 at 77-79 – misstates testimony, lacks foundation, hearsay. • Otten Ex. 1 at 194:13-195:13 – Evidence Cited in Statement of

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<p>Undisputed facts but not attached to the referenced declaration or exhibit. Therefore, inadmissible. Also, lacks foundation.</p> <ul style="list-style-type: none"> • Hagins Ex.6 – lacks personal knowledge, hearsay. • K. Claypool ¶¶6, 18, 25, 28 – misstates/misrepresents testimony, lacks personal knowledge, lacks foundation, speculation, improper lay opinion. • Bacon ¶¶4-5, 7 – misstates/ misrepresents testimony, improper lay opinion, hearsay, lacks personal knowledge, lacks foundation, speculation, unduly prejudicial (403(b)). • Gero ¶¶6, 9-11 – lacks foundation, speculation. • Innis ¶4 – lacks personal knowledge, relevance, lacks foundation. • Jongeward ¶¶4, 6 – lacks personal knowledge, lacks foundation, speculation. • Carpenter ¶9 – misstates testimony,

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<p>lacks foundation, relevance, unduly prejudicial.</p> <ul style="list-style-type: none"> • Pastor ¶¶4, 8 – lacks personal knowledge, lacks foundation, speculation, hearsay, relevance, unduly prejudicial. • Young ¶6 – lacks personal knowledge, relevance, unduly prejudicial, lacks foundation. • Will ¶7 – lacks personal knowledge, lacks foundation, hearsay, speculation, relevance. • Akhavan ¶9 – misstates/ misrepresents testimony, lacks personal knowledge, lacks foundation, hearsay. • C. Claypool ¶12 – lacks personal knowledge, lacks foundation, speculation, improper opinion. • Conn ¶7 – lacks personal knowledge, lacks foundation, speculation. • S. Neushul ¶8 – lacks personal knowledge, speculation, lacks foundation. • Gersch ¶5 – misstates testimony,

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<p>lacks personal knowledge.</p> <ul style="list-style-type: none"> • Krell ¶¶2-4 – misstates testimony, lacks personal knowledge, lacks foundation, unduly prejudicial, improper lay opinion.
<p>10. Because of the Bay Boys' unlawful behavior, visitors have been excluded from enjoying Lunada Bay since the 1970s.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decls. P. Neushul, ¶¶ 18-19; Jongeward, ¶ 10; Perez, ¶ 8; Wright, ¶ 16.; Innis, ¶ 7; Sisson, ¶ 9; Lanning, ¶¶4; Conn, ¶ 5; S. Neushul, ¶ 15; King, ¶¶ 11, 17; Gersch, ¶ 9. 	<p>10. Objection:</p> <ul style="list-style-type: none"> • Assumes facts, <i>i.e.</i> that the “Lunada Bay Boys” exist. • P. Neushul ¶18 – improper expert opinion, lacks foundation, hearsay. • P. Neushul ¶19 – improper expert opinion, lacks personal knowledge, lacks foundation, hearsay. • Jongeward ¶10 – relevance, lacks foundation, misstates testimony. • Perez ¶6 – misstates/misrepresents testimony, lacks foundation, relevance. • Innis ¶7 – lacks foundation, lacks personal knowledge. • Sisson ¶9 – misstates testimony, relevance, lacks personal knowledge, lacks foundation. • Lanning ¶4 – misstates testimony, relevance, lacks personal knowledge,

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<p>lacks foundation.</p> <ul style="list-style-type: none"> • Conn ¶5 – misstates testimony, relevance, lacks personal knowledge, lacks foundation. • S. Neushul ¶15 – misstates testimony, relevance, unduly prejudicial, lacks personal knowledge, lacks foundation. • Gersch ¶9 – misstates testimony, hearsay, relevance, lacks personal knowledge, lacks foundation.
<p>11. There are more than 1,000,000 surfers in Southern California.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decl. King, ¶ 8. 	<p>11. Objection:</p> <ul style="list-style-type: none"> • King ¶8 – Improper expert opinion, lacks foundation, speculation.
<p>12. If it were not for the Lunada Bay Boys and their conspiracy to exclude visitors, it is expected that thousands of surfers and other beachgoers could recreate in Lunada Bay.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decl. King, ¶ 17-19. 	<p>12. Objection.</p> <ul style="list-style-type: none"> • Assumes facts, <i>i.e.</i> that the “Lunada Bay Boys” exist. • King ¶¶17-19 – Improper expert opinion, impermissible hearsay in expert opinion, methods and conclusions lack foundation, outside scope of expertise, misstates testimony.

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
<p>13. Plaintiffs Cory Spencer, Diana Milena Reed, and members of the Coastal Protection Rangers have been harassed at Lunada Bay by the Lunada Bay Boys.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decls. Spencer, ¶ 11-13, 16, 17, 21-23 Reed, ¶¶ 7-9, 11-14, 18-19, 21, 22, 24 	<p>13. Objection.</p> <ul style="list-style-type: none"> • Assumes facts, <i>i.e.</i> that the “Lunada Bay Boys” exist. • Spencer ¶¶11-13, 16 – lacks personal knowledge, improper declaration on information and belief, speculation, lacks foundation as to “Bay Boy,” lacks foundation as to reports of harassment. • Spencer ¶17 – misstates testimony, (statement does not reflect or contribute to the stated undisputed fact), lacks personal knowledge, lacks foundation, improper legal conclusion, relevance, unduly prejudicial. • Spencer ¶21-23 – lacks personal knowledge, lacks foundation, speculation, argumentative, lacks foundation as to “Bay Boy,” hearsay, improper lay opinion. • Reed ¶7-9 – lacks foundation. • Reed ¶¶ 11, 14 – lacks foundation, hearsay, lacks personal knowledge. • Reed ¶¶ 12-13, 18 – misstates

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
	<p>testimony.</p> <ul style="list-style-type: none"> • Reed ¶19 – lacks foundation as to “Lunada Bay Boy.” • Reed ¶¶22-24 – lacks foundation as to “Lunada Bay Boy,” hearsay, (should also point out that the account described here is completely contradicted in the police report [attached as one of Reed’s exhibits] of the matter by an independent and disinterested third party witness).
<p>14. The Coastal Protection Rangers, Inc. is a nonprofit dedicated to ensuring beach access for the public and environmental justice. CPR believes all visitors should be able to visit Lunada Bay without fear of attack or vandalism.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decl. Slatten, ¶¶ 6, 10, 12. 	<p>14. Objection:</p> <ul style="list-style-type: none"> • Slatten ¶10 – Improper lay opinion, lacks personal knowledge, improper legal conclusion. • Slatten ¶12 – Relevance, Improper opinion, lacks foundation, speculation.
<p>15.The City and Chief Kepley are complicit in the Bay Boys' unlawful exclusion.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decls. Reed, ¶¶ 11-14, 13, 27-31; 	<p>15. Objection:</p> <ul style="list-style-type: none"> • Assumes facts, <i>i.e.</i> that the “Lunada Bay Boys” exist. • Lacks foundation, there is no support to implicate the complicit behavior

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<p align="center"><u>Moving Party’s Undisputed Facts And Supporting Evidence</u></p>	<p align="center"><u>Opposing Party’s Response And Supporting Evidence</u></p>
<p>Otten, Exs. 1 at 42-43, 61:16-19, 62-65, 86:4-87:1, 10, 12, 13, 14, 15 at 15:9-13, 243-244, 16 at 139-141, 17&20; Sisson, ¶ 8; Young, ¶ 12; Conn, ¶ 8; Innis, ¶ 6; Bacon, ¶ 10; Carpenter, ¶ 15; Gero, ¶ 12; Wright, ¶ 22; Pastor, ¶ 6; Spencer, ¶ 24; MacHarg, Ex. 1; Gersch, ¶¶ 7-8; Carpenter, ¶ 15; Will, ¶ 9; Krell, ¶ 5-6, 8.</p>	<p>of Chief Kepley or the PVE police department during his tenure. In fact, they offer evidence to the contrary.</p> <ul style="list-style-type: none"> • Reed ¶¶ 11-14 – lacks personal knowledge, lacks foundation, misstates testimony, improper lay opinion, hearsay. • Reed ¶¶ 27-31 – lacks personal knowledge, speculation, lacks foundation, hearsay (lots and lots of hearsay), improper lay opinion. • Otten Ex. 1 at 42-43 – misstates testimony, lacks foundation, hearsay (suggests that there is a leak in the police department without giving proper context or foundation). • Otten Ex. 1 61:16-19 – inadmissible, not included in the attached exhibit. • Otten Ex. 1 at 62-65 – misstates testimony, hearsay, lacks foundation. • Otten Ex. 1 at 86:4–87:1 – misstates testimony, assumes facts, evidence does not show what proponent purports is proves, suggests improper expert testimony.

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<u>Moving Party's Undisputed Facts And Supporting Evidence</u>	<u>Opposing Party's Response And Supporting Evidence</u>
	<ul style="list-style-type: none">• Otten Ex. 10 – misrepresents evidence, lacks foundation, does not represent the fact it is purported to prove.• Otten Ex. 12 – Lacks authentication.• Otten Ex. 13 – lacks foundation, misrepresents evidence, hearsay, relevance, unduly prejudicial.• Otten Ex. 14 – lacks foundation, misrepresents evidence, (evidence actually indicates contrary fact that the police were seeking funding from the State).• Otten Ex. 15 at 15:9-13 – lacks foundation, misrepresents testimony.• Otten Ex. 15 at 243-244 – relevance, lacks foundation.• Otten Ex. 16 at 139-141 – relevance, lacks foundation, speculation.• Otten Ex. 17 – lacks foundation, relevance.• Otten Ex. 20 – lacks foundation, hearsay, misrepresents evidence, relevance.• Sisson ¶8 – speculation, lacks

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<u>Moving Party’s Undisputed Facts And Supporting Evidence</u>	<u>Opposing Party’s Response And Supporting Evidence</u>
	<p>foundation, improper opinion, unduly prejudicial.</p> <ul style="list-style-type: none"> • Young ¶12 – lacks personal knowledge, speculation, lacks foundation. • Conn ¶8 – relevance, speculation, lacks personal knowledge, lacks foundation. • Innis ¶6 – misstates/misrepresents testimony, lacks foundation, lacks personal knowledge, (proves the opposite fact). • Bacon ¶10 – misstates testimony, lacks foundation, hearsay, lacks personal knowledge, (proves the opposite fact). • Carpenter ¶15 – lacks personal knowledge, assumes facts not in evidence, improper lay opinion, lacks foundation, hearsay. • Gero ¶12 – hearsay, lacks personal knowledge. • Pastor ¶6 – relevance, lacks foundation, speculation. • MacHarg Ex. 1 – misstates/

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<u>Moving Party’s Undisputed Facts And Supporting Evidence</u>	<u>Opposing Party’s Response And Supporting Evidence</u>
	<p>misrepresents evidence and testimony, (proves the opposite fact), lacks foundation.</p> <ul style="list-style-type: none"> • Gersch ¶¶7-8 – speculation, lacks foundation, lacks personal knowledge, misstates testimony. • Will ¶9 – relevance, unduly prejudicial, argumentative, lacks foundation. • Krell ¶¶5-6, 8 – misstates and misrepresents testimony, lacks foundation, speculation, lacks personal knowledge, (proves the opposite fact).
<p>16. Plaintiffs suffer the same incidental monetary damages as the class, which can be calculated on a non-individualized basis.</p> <p><u>Supporting Evidence</u></p> <ul style="list-style-type: none"> • Decl. King, ¶ 19. 	<p>16. Objection.</p> <ul style="list-style-type: none"> • King ¶19 – Lacks proper foundation for expert opinion, speculation, illusory damages, impossibility.
<p>17. Plaintiffs' counsel have substantial experience litigating complex class actions, subject- matter expertise, and have the resources necessary to pursue this case.</p>	<p>17. No objection.</p>

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<u>Moving Party’s Undisputed Facts And Supporting Evidence</u>	<u>Opposing Party’s Response And Supporting Evidence</u>
<u>Supporting Evidence</u> • Decls. Franklin, ¶¶ 2-5, 7; Otten, ¶ 1.	

Dated: January 13, 2017

VEATCH CARLSON, LLP

By: /s/ John E. Stobart
JOHN E. STOBART
Attorneys for Defendant,
BRANT BLAKEMAN